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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.			
10/716,006	11/18/2003	Mehran Mehregany	29438/04001	4201			
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	LTER & GRISWOLD, L	TURNER, A	TURNER, ARCHENE A				
800 SUPERIOF SUITE 1400	R AVENUE	ART UNIT	PAPER NUMBER				
CLEVELAND,	OH 44114	1775					
			DATE MAILED: 09/14/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Examiner	Applicat 9) 10) 11) Priority (12) a) Attachmen 1) Notice 2) Notice 3) Information Paper	Acknowledgment is made of a claim for All b) Some * c) None of: 1. Certified copies of the priority doc 2. Certified copies of the priority doc 3. Copies of the certified copies of the application from the International See the attached detailed Office action for the attached detailed Office action for the certified copies of the attached detailed Office action for the attached detailed Office action for the certified copies of the certified copies of the certified copies of the priority doc application from the International See the attached detailed Office action for the certified copies of the priority doc application from the International See the attached detailed Office action for the certified copies of the priority doc application from the International See the attached detailed Office action for the certified copies of the priority doc application from the International See the attached detailed Office action for the certified copies of the priority doc application from the International See the attached detailed Office action for the certified copies of the priority doc application from the International See the attached detailed Office action for the certified copies of the priority doc application from the International See the attached detailed Office action for the certified copies of the priority doc application from the International See the attached detailed Office action for the certified copies of the priority doc application from the International See the attached detailed Office action for the certified copies of the priority doc application from the International See the attached detailed Office action for the certified copies of the priority doc application from the International See the attached detailed Office action for the certified copies of the priority doc application from the International See the attached detailed Office action for the certified copies of the priority documents of the certified copies of the priority documents of the certified copies of the certified copies of t	foreign priority un cuments have been cuments have been been priority documents are list of the certification.	ed if the drawing(s) is objecte the attached Office der 35 U.S.C. § 119(a) on received. In received in Applications have been received a 17.2(a)). Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P	ected to. See 37 CF Action or form PT (-(d) or (f). on No ed in this National ed.	O-152.					
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Art Unit: 1775

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-42, 50-53 drawn to a method, classified in class 427, subclass 255+.
- II. Claims 43-46, drawn to a coated substrate, classified in class 428, subclass 698.
- III. Claims 47-49, drawn to device, classified in class 257, subclass 77.

2. The inventions are distinct, each from the other because:

Inventions II and III are related as mutually exclusive species in an intermediate-final product relationship. Distinctness is proven for claims in this relationship if the intermediate product is useful to make other than the final product (MPEP § 806.04(b), 3rd paragraph), and the species are patentably distinct (MPEP § 806.04(h)). In the instant case, the intermediate product is deemed to be useful as a window and the inventions are deemed patentably distinct since there is nothing on this record to show them to be obvious variants. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions anticipated by the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the

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process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product can be made by a different method such as sputtering.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their divergent subject matter, different classification and search, a restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

- 4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Archene Turner whose new telephone number is (571)

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272-1545. The examiner can normally be reached on Monday through Wednesday, and Friday from 10:30 am. to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on (571) 272-1535. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Please remember to include on the fax, the art unit 1775, serial number and Examiner's name.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A. A. Turner
Primary Examiner
Group 1700

aat